

and Order, MM Docket No. 95-37, adopted August 4, 1995, and released August 14, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, 303.

§ 73.606(b) [Amended]

2. Section 73.606(b), the Television Table of Allotments under Hawaii, is amended by adding Waimanalo, Channel 56.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-20473 Filed 8-17-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-38; RM-8587]

Television Broadcasting Services; Kailua, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots UHF Television Channel 50 to Kailua, Hawaii, as the community's first local television service, at the request of Paul Alfred Tennyson. See 60 FR 19205, April 17, 1995. Channel 50 can be allotted to Kailua consistent with the Commission's minimum distance separation requirements of Section 73.610. The coordinates for Channel 50 at Kailua are North Latitude 21-24-00 and West Longitude 157-44-30.

Although the Commission has imposed a freeze on television allotments in certain areas, Kailua is not in one of the affected areas. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 28, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-38, adopted August 4, 1995, and released August 14, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, 303.

§ 73.606(b) [Amended]

2. Section 73.606(b), the Television Table of Allotments under Hawaii, is amended by adding Kailua, Channel 50.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-20474 Filed 8-17-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket PS-135; Amdt. 192-74]

RIN 2137-AC32

Customer-Owned Service Lines; Correction

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule; correction of amendment number.

SUMMARY: This document corrects the amendment number of final rule document 95-20021 published in the **Federal Register** on Monday, August 14, 1995 (60 FR 41821). In the document heading on page 41821, the amendment

number "Amdt. 192-3" is changed to read "Amdt. 192-74." The final rule requires operators of gas service lines who do not maintain buried customer piping up to building walls or certain other locations to notify their customers of the need to maintain that piping.

EFFECTIVE DATE: September 13, 1995.

FOR FURTHER INFORMATION CONTACT:

Jenny Donohue, (202) 366-4046.

Issued in Washington, DC on August 15, 1995.

Lucian M. Furrow,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 95-20525 Filed 8-17-95; 8:45 am]

BILLING CODE 4910-60-P

National Highway Traffic Safety Administration

49 CFR Part 501

Organization and Delegation of Powers and Duties

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: In this final rule, NHTSA's Associate Administrator for Safety Performance Standards is delegated authority to issue certain **Federal Register** documents relating to the theft and fuel economy programs, and to issue documents making nonsubstantive changes and corrections to rulemaking documents. In addition, delegations of authority to the Associate Administrator for State and Community Services are described, and statutory citations in NHTSA's regulations on organization and delegation of powers and duties are updated to reflect the 1994 codification of the Department of Transportation's statutes.

EFFECTIVE DATE: August 18, 1995.

FOR FURTHER INFORMATION CONTACT:

Dorothy Nakama, Office of the Chief Counsel, NHTSA, 400 Seventh Street, SW, Room 5219, Washington, DC 20590. Ms. Nakama's telephone number is: (202) 366-2992.

SUPPLEMENTARY INFORMATION: This final rule amends the regulations on the organization of and delegation of powers and duties within the National Highway Traffic Safety Administration (NHTSA). In addition to the authority already delegated by the NHTSA Administrator, authority is delegated to the Associate Administrator for Safety Performance Standards (AASPS) to issue the following—

(1) All documents issued under the Motor Vehicle Theft Prevention Program (49 U.S.C. chapter 331).

(2) All **Federal Register** documents issued under the Automobile Fuel Economy Program (49 U.S.C. chapter 329), except final rules establishing or amending generally applicable Corporate Average Fuel Economy Standards.

(3) All **Federal Register** documents issued in response to a manufacturer's petition for exemption from 49 U.S.C. chapter 301's notification and remedy requirements, in connection with a defect or noncompliance concerning labeling errors.

(4) All **Federal Register** documents extending the comment period for a noncontroversial rulemaking, making technical amendments or corrections to a final rule, and extending the effective date of a final rule.

In addition, this final rule amends part 501 to describe the delegation of authority to the Associate Administrator for State and Community Services. Part 501 has also been amended to cite new statutory authorities, and remove outdated citations. These amendments are necessary to reflect the 1994 codification of the statutory authority for many of NHTSA's programs, "without substantive change," into Title 49 of the United States Code.

As matters relating to agency management, the amendments made by this document are not covered by the notice and comment or the effective date requirements of the Administrative Procedure Act. These amendments relate solely to changes in the scope of the delegation of authority from the NHTSA Administrator to the Associate Administrator for Safety Performance Standards, or reflect new statutory citations, and have no substantive effect. Notice and the opportunity for comment are, therefore, not required, and these amendments are effective immediately upon publication in the **Federal Register**. In addition, these amendments are not covered by Executive Order 12866 or the Department of Transportation's regulatory policies and procedures.

List of Subjects in 49 CFR Part 501

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, 49 CFR part 501 is amended as follows:

PART 501—[AMENDED]

1. The authority citation for Part 501 continues to read as follows:

Authority: 49 U.S.C. 105 and 322; delegation of authority at 49 CFR 1.50.

2. Section 501.2 is revised to read as follows:

§ 501.2 General.

The Administrator is delegated authority by the Secretary of Transportation (49 CFR 1.50) to:

(a) Carry out the following chapters or sections of Title 49 of the United States Code:

(1) Chapter 301—Motor Vehicle Safety.

(2) Chapter 303—National Driver Register.

(3) Chapter 305—National Automobile Title Information System.

(4) Chapter 321—General.

(5) Chapter 323—Consumer Information.

(6) Chapter 325—Bumper Standards.

(7) Chapter 327—Odometers.

(8) Chapter 329—Automobile Fuel Economy.

(9) Chapter 331—Theft Prevention.

(10) Section 20134(a), with respect to the laws administered by the National Highway Traffic Safety Administrator pertaining to highway, traffic and motor vehicle safety.

(b) Carry out 23 U.S.C. chapter 4, HIGHWAY SAFETY, as amended, except for section 409 and activities relating to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian and bicycle safety.

(c) Exercise the authority vested in the Secretary by section 210(2) of the Clean Air Act, as amended (42 U.S.C. 7544(2)).

(d) Carry out the Act of July 14, 1960, as amended (23 U.S.C. 313 note).

(e) Administer the following sections of Title 23, United States Code, with the concurrence of the Federal Highway Administrator:

(1) Section 141, as it relates to certification of the enforcement of speed limits.

(2) Section 153.

(3) Section 154(a), (b), (d), and (e).

(4) Section 158.

(f) Carry out the consultation functions vested in the Secretary by Executive Order 11912 (3 CFR, 1976 Comp., p. 114), as amended.

3. In § 501.3, the undesignated paragraph preceding paragraph (a) is transferred to the end of the introductory text, paragraphs (a)(1)(i), (a)(2), and (a)(3), and (c) are revised, and paragraph (d) is removed, to read as follows:

§ 501.3 Organization and general responsibilities.

* * * * *

(a) *Office of the Administrator*—(1) *Administrator*. (i) Represents the Department and is the principal advisor to the Secretary in all matters related to

chapters 301, 303, 305, 321, 323, 325, 327, 329, and 331 of Title 49 U.S.C.; 23 U.S.C. chapter 4, except section 409; as each relates to highway safety, sections 141, 153, 154(a), (b), (d) and (e), and 158 of Title 23 U.S.C.; and such other authorities as are delegated by the Secretary of Transportation (49 CFR 1.50);

* * * * *

(2) *Deputy Administrator*. Assists the Administrator in discharging responsibilities. Directs and coordinates the Administration's management and operational programs, and related policies and procedures at headquarters and in the field. Provides policy direction and executive direction to the Associate Administrator for State and Community Services.

(3) *Executive Director*. As the principal advisor to the Administrator and Deputy Administrator, provides direction on internal management and mission support programs. Provides executive direction over the Associate Administrators, except for the Associate Administrator for State and Community Services.

* * * * *

(c) *Associate Administrators*—(1) *Associate Administrator for Plans and Policy*. Acts as the principal advisor to the Administrator on all matters involving NHTSA policies, objectives, budget, programs, and plans and their effectiveness in carrying out the goals and missions of the Administrator.

(2) *Associate Administrator for Safety Performance Standards*. As the principal advisor to the Administrator on the setting of motor vehicle standards and regulations, administers the programs of the Administration to develop and issue Federal standards and regulations dealing with motor vehicle safety, fuel economy, theft prevention, and consumer information and regulations dealing with the following characteristics of motor vehicles: damage susceptibility, crashworthiness, and ease of diagnosis and repair.

(3) *Associate Administrator for Safety Assurance*. As the principal advisor to the Administrator on the enforcement of motor vehicle standards and regulations, directs and administers programs to ensure compliance with Federal laws, standards, and regulations relating to motor vehicle safety, fuel economy, theft prevention, damageability, consumer information and odometer fraud.

(4) *Associate Administrator for Traffic Safety Programs*. As the principal advisor to the Administrator on traffic safety programs, develops national

traffic safety programs, including the reduction of alcohol and drug use among drivers, the encouragement of safety belt and child safety seat use, and the enforcement of traffic laws; provides technical assistance and liaison to States (in cooperation with the Associate Administrator for State and Community Services) and other organizations in support of highway safety programs.

(5) *Associate Administrator for State and Community Services.* As the principal advisor to the Administrator on all matters as they relate to the NHTSA Regional Offices, directs the management of the State and community highway safety programs and the activities of the Regional Administrators in the provision of leadership, technical guidance and assistance to the States; assures coordination of field programs with the Federal Highway Administration; provides guidance to promote effective implementation of the State and community highway safety programs; participates in the development, review, implementation, and coordination of related programs, policies, and procedures.

(6) *Associate Administrator for Research and Development.* As the principal advisor to the Administrator on motor vehicle and highway safety research and development, directs and administers programs related to accident investigation and information collection, analysis and dissemination, and facilities requirements to support NHTSA research and development efforts.

(7) *Associate Administrator for Administration.* Acts as the principal advisor to the Administrator on all administrative and managerial matters as they relate to NHTSA missions, programs, and objectives; organization and delegations of authority; management studies; personnel management; training; logistics and procurement; financial management; accounting and data systems design; paperwork management; investigations and security; audits; defense readiness; and administrative support services.

4. Section 501.4 is revised to read as follows:

§ 501.4 Succession to Administrator.

The following officials in the order indicated, shall act in accordance with the requirements of 5 U.S.C. 3346–3349 as Administrator of the National Highway Traffic Safety Administration, in the case of the absence or disability or in the case of a vacancy in the office of the Administrator, until a successor is appointed:

(a) Deputy Administrator;

- (b) Executive Director;
- (c) Chief Counsel;
- (d) Associate Administrator for Plans and Policy;
- (e) Associate Administrator for Safety Performance Standards;
- (f) Associate Administrator for Safety Assurance;
- (g) Associate Administrator for Traffic Safety Programs;
- (h) Associate Administrator for State and Community Services;
- (i) Associate Administrator for Research and Development; and
- (j) Associate Administrator for Administration.

5. Section 501.7 is revised to read as follows:

§ 501.7 Administrator's reservations of authority.

The delegations of authority in this part do not extend to the following authority which is reserved to the Administrator and, in those instances when the office of the Administrator is vacant due to death or resignation, or when the Administrator is absent as provided by § 501.5(a), to the Deputy Administrator or Executive Director:

(a) The authority under chapter 301—Motor Vehicle Safety—of Title 49 of the United States Code to:

- (1) Issue, amend, or revoke final federal motor vehicle safety standards and regulations;
- (2) Make final decisions concerning alleged safety-related defects and noncompliances with Federal motor vehicle safety standards;
- (3) Grant or renew temporary exemptions from federal motor vehicle safety standards; and
- (4) Grant or deny appeals from determinations upon petitions for inconsequential defect or noncompliance.

(b) The authority under 23 U.S.C. chapter 4, as amended, to:

- (1) Apportion authorization amounts and distribute obligation limitations for State and community highway safety programs under 23 U.S.C. 402;
- (2) Approve the initial awarding of alcohol incentive grants to the States authorized under 23 U.S.C. 408, and drunk driving prevention grants to the States authorized under 23 U.S.C. 410;
- (3) Issue, amend, or revoke uniform State and community highway safety guidelines, and, with the concurrence of the Federal Highway Administrator, designate priority highway safety programs, under 23 U.S.C. 402;
- (4) Fix the rate of compensation for non-government members of agency sponsored committees which are entitled to compensation.

(c) The authority under chapters 321, 323, 325, and 329 of Title 49 of the United States Code to:

- (1) Issue, amend, or revoke final rules and regulations, except for final rules issued under section 32902(d); and
 - (2) Assess civil penalties and approve manufacturer fuel economy credit plans under chapter 329.
- (d) The authority under sections 141, 153, 154 and 158 of Title 23 of the United States Code, with the concurrence of the Federal Highway Administrator, to disapprove any State certification or to impose any sanction or transfer on a State for violations of the National Maximum Speed Limit, Safety Belt and Motorcycle Helmet Use Requirements, or the National Minimum Drinking Age.

6. Section 501.8 is revised to read as follows:

§ 501.8 Delegations.

(a) *Deputy Administrator.* The Deputy Administrator is delegated authority to act for the Administrator, except where specifically limited by law, order, regulation, or instructions of the Administrator. The Deputy Administrator is delegated authority to provide executive direction to the Associate Administrator for State and Community Services and the Director of International Harmonization, and assist the Administrator in providing executive direction to all organizational elements of NHTSA.

(b) *Executive Director.* The Executive Director is delegated line authority for executive direction over the Associate Administrators, except for the Associate Administrator for State and Community Services.

(c) *Director, Office of Civil Rights.* The Director, Office of Civil Rights is delegated authority to:

- (1) Act as the NHTSA Director of Equal Employment Opportunity.
- (2) Act as NHTSA Contracts Compliance Officer.
- (3) Act as NHTSA coordinator for matters under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Executive Order 12250 (3 CFR, 1980 Comp., p. 298), and regulations of the Department of Justice.

(d) *Chief Counsel.* The Chief Counsel is delegated authority to:

- (1) Exercise the powers and perform the duties of the Administrator with respect to setting of odometer regulations authorized under 49 U.S.C. chapter 327, and with respect to providing technical assistance and granting extensions of time to the states under 49 U.S.C. 32705.
- (2) Establish the legal sufficiency of all investigations conducted under the

authority of the following chapters of Title 49 of the United States Code: chapter 301; chapter 323; chapter 325; chapter 327; chapter 329; and chapter 331, and to compromise any civil penalty or monetary settlement in an amount of \$25,000 or less resulting from a violation of any of these chapters.

(3) Exercise the powers of the Administrator under 49 U.S.C. 30166 (c), (g), (h), (i), and (k).

(4) Issue subpoenas, after notice to the Administrator, for the attendance of witnesses and production of documents pursuant to chapters 301, 323, 325, 327, 329, and 331 of Title 49 of the United States Code.

(e) *Associate Administrator for Plans and Policy.* The Associate Administrator for Plans and Policy is delegated authority to direct the NHTSA planning and evaluation system in conjunction with Departmental requirement and planning goals; to coordinate the development of the Administrator's plans, policies, budget, and programs, and analyses of their expected impact, and their evaluation in terms of the degree of goal achievement; and to perform independent analyses of proposed Administration regulatory, grant, legislative, and program activities.

(f) *Associate Administrator for Safety Performance Standards.* Except for authority reserved to the Administrator or delegated to the Associate Administrator for Safety Assurance, the Associate Administrator for Safety Performance Standards is delegated authority to exercise the powers and perform the duties of the Administrator with respect to the setting of motor vehicle safety and theft prevention standards, average fuel economy standards, procedural regulations, and the development of consumer information and regulations authorized under 49 U.S.C. chapter 301 (except for sections 30141 through 30147), and authorized under 49 U.S.C. chapters 323, 325, 329, and 331. The Associate Administrator for Safety Performance Standards is also delegated authority to:

(1) Respond to a manufacturer's petition for exemption from 49 U.S.C. chapter 301's notification and remedy requirements in connection with a defect or noncompliance concerning labelling errors;

(2) Extend comment periods (both self-initiated and in response to a petition for extension of time) for noncontroversial rulemakings;

(3) Make technical amendments or corrections to a final rule; and

(4) Extend the effective date of a noncontroversial final rule.

(g) *Associate Administrator for Safety Assurance.* Except for those portions

that have been reserved to the Administrator or delegated to the Chief Counsel, the Associate Administrator for Safety Assurance is delegated authority to exercise the powers and perform the duties of the Administrator with respect to:

(1) Administering the NHTSA enforcement program for all laws, standards, and regulations pertinent to vehicle safety, fuel economy, theft prevention, damageability, consumer information and odometer fraud, authorized under 49 U.S.C. chapters 301, 323, 325, 327, 329, and 331.

(2) Issuing regulations relating to the importation of motor vehicles under 49 U.S.C. 30141 through 30147.

(3) Granting and denying petitions for import eligibility determinations submitted to NHTSA by motor vehicle manufacturers and registered importers under 49 U.S.C. 30141.

(h) *Associate Administrator for Traffic Safety Programs.* Except for those portions that have been reserved to the Administrator or delegated to the Associate Administrator for State and Community Services, the Associate Administrator for Traffic Safety Programs is delegated authority to exercise the powers and perform the duties of the Administrator with respect to: 23 U.S.C. chapter 4, as amended; the authority vested by section 210(2) of the Clean Air Act, as amended (42 U.S.C. 7544(2)); the authority vested by 49 U.S.C. 20134(a), with respect to the laws administered by the Administrator pertaining to highway, traffic, and motor vehicle safety; the Act of July 14, 1960, as amended (23 U.S.C. 313 note) and 49 U.S.C. chapter 303; the authority vested by section 141, as it relates to certification of the enforcement of speed limits, and sections 153, 154(a), (b), (d), and (e) and 158 of Title 23 of the United States Code, with the concurrence of the Federal Highway Administrator; and section 209 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 401 note) as delegated by the Secretary in § 501.2(i).

(i) *Associate Administrator for State and Community Services.* The Associate Administrator for State and Community Services is delegated authority to exercise the powers and perform the duties of the Administrator with respect to State and community highway safety programs under 23 U.S.C. 402, including approval and disapproval of State highway safety plans and final vouchers, in accordance with the procedural requirements of the Administration; to approve the awarding of alcohol incentive grants to the States under 23 U.S.C. 408 and drunk driving prevention grants under

23 U.S.C. 410, for years subsequent to the initial awarding of such grants by the Administrator; as appropriate for activities benefiting states and communities, to implement 23 U.S.C. 403; and to implement the requirements of 23 U.S.C. 153, jointly with the delegate of the Federal Highway Administrator.

(j) *Associate Administrator for Research and Development.* The Associate Administrator for Research and Development is delegated authority to: develop and conduct research and development programs and projects necessary to support the purposes of chapters 301, 323, 325, 327, 329, and 331 of Title 49 U.S.C., and Title 23 U.S.C. chapter 4, as amended, in coordination with the appropriate Associate Administrators, and the Chief Counsel.

(k) *Associate Administrator for Administration.* The Associate Administrator for Administration is delegated authority to:

(1) Exercise procurement authority with respect to NHTSA requirements;

(2) Administer and conduct NHTSA's personnel management activities;

(3) Administer NHTSA financial management programs, including systems of funds control and accounts of all financial transactions; and

(4) Conduct administrative management services in support of NHTSA missions and programs.

(1) *Director, Office of Vehicle Safety Compliance, Enforcement.* The Director, Office of Vehicle Safety Compliance, Enforcement, is delegated authority to exercise the powers and perform the duties of the Administrator with respect to granting and denying petitions for import eligibility decisions submitted to NHTSA by motor vehicle manufacturers and registered importers under 49 U.S.C. 30141(a)(1).

Issued on: August 4, 1995.

Ricardo Martinez,
Administrator.

[FR Doc. 95-19710 Filed 8-17-95; 8:45 am]

BILLING CODE: 4910-59-P

49 CFR Parts 571, 572, and 589

[Docket No. 92-28; Notice 4]

RIN 2127-AB85

Federal Motor Vehicle Safety Standards; Head Impact Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This document amends Standard No. 201, *Occupant Protection*